

AO 91 (Rev. 11/11) Criminal Complaint

United States Court  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT

for the

AUG 1 2015

Southern District of Texas

David J. Bradley, Clerk of Court

United States of America )

v. )

LOUIS CLIFFORD SMITH )

Case No.

H15-1096M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 31, 2015 in the county of Fort Bend in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 2252A(a)(2) and (a)(5) Receipt and possession of child pornography  
(B)

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.



Complainant's signature

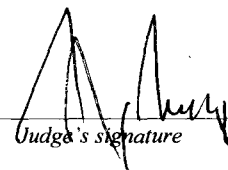
Kelly E. Berry, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/01/2015

City and state: Houston, Texas



Judge's signature

Mary Milloy, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Kelly E. Berry, being duly sworn, depose and state:

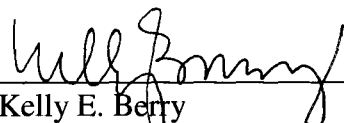
1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since September 2006. As part of my daily duties as an FBI agent, I am assigned to the FBI Texas City Resident Agency which, among other things, investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252A and 2252A et seq. I have received training in the area of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

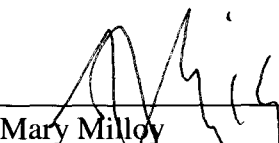
2. This Affidavit is made in support of a criminal complaint charging Louis Clifford SMITH with violating 18 U.S.C. § 2252A(a)(2) & (a)(5)(B), which makes it a crime to receive and possess child pornography.
3. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.

4. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) has been committed by Louis Clifford SMITH on or about July 2015. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
5. Through an investigation conducted by SA Berry, the Texas City Resident Agency executed a search warrant issued by United States Magistrate John R. Froeschner at the residence of Louis Clifford SMITH, 9618 Pickering Lane, Missouri City, Texas, on July 31, 2015. The search warrant was obtained based on information that led investigators to believe that SMITH was accessing files from a website known to contain child pornography. SMITH accessed a file entitled "Really Hot Vines – Thread." The file contained a preview image, known as a contact sheet, with sixteen (16) images on it. The majority of the images depicted a prepubescent girl masturbating and exposing her genitals to the camera. SMITH also accessed an image that depicted an adult hand spreading open a child's vagina for the camera.
6. During the execution of the federal search warrant, SA Kelly Berry and Pearland Police Department Detective Cecil Arnold interviewed SMITH at his residence.
7. After being advised of his Miranda warnings and agreeing to speak to law enforcement officials, SMITH admitted he had downloaded and viewed child pornography from the internet. SMITH stated that he knew the search warrant for his home was for child pornography, and that law enforcement officers would, in fact, find child pornography on his upstairs computer. SMITH stated that agents would find approximately five hundred (500) gigabytes of child pornography on his computer.

8. During an on scene preview of SMITH's computers and hard drives, SA Berry was able to view images that obviously met the federal definition of child pornography which SMITH had in his possession. SA Berry viewed approximately one hundred (100) child pornography images on SMITH's desktop computer. The majority of the images SA Berry viewed depicted prepubescent (typically under the age of twelve (12)) girls with their genitals lasciviously displayed. SMITH also possessed images of child pornography depicting prepubescent girls being penetrated orally, anally, and vaginally. SA Berry believes, based on her training and experience, that the images possessed by SMITH are child pornography as defined in Title 18, United States Code, Section 2256.
9. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging Louis Clifford SMITH with a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B)—receipt and possession of child pornography.

  
Kelly E. Berry  
Special Agent, FBI

Subscribed and sworn before me this 1st of August 2015, and I find probable cause.

  
Mary Milloy  
United States Magistrate Judge